

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: MANUEL FERNANDEZ-HERRERA

Docket Number: 1:02CR05080-01 OWW

Offender Address: Los Angeles County Jail, Los Angeles, CA

Judicial Officer: Honorable Oliver W. Wanger
United States District Judge
Fresno, California

Original Sentence Date: April 28, 2003

Original Offense: 18 USC 911, False Claim to United States Citizenship
(CLASS C FELONY)

Original Sentence: 12 months Bureau of Prisons; 1 year TSR; \$100 SA

Special Conditions: 1) Search and seizure; 2) Drug treatment; 3) Mental health treatment; 4) Upon completion of imprisonment, ordered surrendered to Immigration official for deportation. Upon re-entry into the United States, to report within 72 hours to the U.S. Probation Office.

Type of Supervision: Supervised release

Supervision Commenced: February 18, 2005

Assistant U.S. Attorney: Marianne Pansa **Telephone:** (559) 497-4000

Defense Attorney: Eric Kersten **Telephone:** (559) 497-5561

Other Court Action: None

RE: FERNANDEZ-HERRERA, Manuel
Docket Number: 1:02CR05080-01 OWW
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NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. NEW LAW ARRESTS/CONVICTIONS

Details of alleged non-compliance: The defendant was released into the custody of the Immigration and Customs Enforcement Agency (ICE) on February 18, 2005. On May 10, 2005, he was released from ICE custody and placed on supervision. On or about June 10, 2005, within the Central District of California, the defendant was arrested for Possession of Cocaine Base For Sale, a felony. Subsequently, on January 30, 2006, the defendant was convicted in the Los Angeles Superior Court (Dkt. No. BA285140) of Possession of Cocaine Base For Sale, and sentenced to 5 years prison.

United States Probation Officer Plan/Justification: As previously-indicated, the defendant was sentenced to 5 years prison based on his conviction in Los Angeles County. Considering the term of imprisonment the defendant received in this new offense, it is recommended that the Court take no violation action against the offender at this time and that his supervision be allowed to expire on February 17, 2006.

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Respectfully submitted,

/s/ Scott J. Waters

SCOTT J. WATERS
Senior United States Probation Officer
Telephone: (559) 499-5726

DATED: February 9, 2006
Fresno, California
SJW

REVIEWED BY: /s/ Bruce A. Vasquez
Bruce A. Vasquez
Supervising United States Probation Officer

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THE COURT ORDERS:

- ☒ (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ☐ () Submit a Request for Modifying the Conditions or Term of Supervision.
- ☐ () Submit a Request for Warrant or Summons.
- ☐ () Other:

Feb. 13, 2006
Date

/s/ OLIVER W. WANGER
Signature of Judicial Officer

cc: United States Probation
Marianne Pansa, Assistant United States Attorney
Eric Kersten, Assistant Federal Defender

Attachment: Presentence Report (Sacramento only)